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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,239	02/05/2002	Terrence John O'Neill	77017-9005-01	7695
23409	7590	05/16/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			GOODWIN, JEANNE M	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/068,239		O'NEILL, TERRENCE JOHN	
	Examiner		Art Unit	
	Jeanne-Marguerite Goodwin		2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 19-31 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 8-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the movement of the protrusion along the slot from the second end toward the first end is substantially unimpeded as stated in claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the

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claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

a. wherein the hanger includes a protrusion movable along the slot, wherein movement of the protrusion along the slot from the second end toward the first end is substantially unimpeded, and wherein during movement of the protrusion along the slot from the first end toward the second end, the protrusion is selectively movable along the slot branches slot branches to impede movement of the protrusion along the slot toward the first end as stated in claim 2;

b. wherein the slot includes an opened end, a first closed end, and a second closed end, and wherein the locking path extends between the first closed end and the second closed end as stated in claims 26 and 38;

c. wherein the exit path extends between the first closed end and the opened end, and wherein the entry path extends between the opened end and the first closed end as stated in claims 27 and 39;

d. wherein the exit path includes at least one change of direction along the nonlinear slot as stated in claims 28, 34 and 40;

e. wherein at least a portion of the locking path defines an acute angle with respect to at least a portion of the exit path as stated in claims 30, 36 and 42;

f. wherein the hanger is engageable with a projection extending outwardly from a wall, and wherein the slot defines an entry path for the projection, an exit path for the projection, and at least one locking path for the projection, the locking path being different than the exit path as stated in claims 30 and 37; and

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g. wherein the slot includes a third, closed end, and wherein the locking path extends between the first, closed end and the third, closed end as stated in claim 31;

3. The amendment filed Jan. 26, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: wherein the hanger includes a protrusion movable along the slot, wherein movement of the protrusion along the slot from the second end toward the first end is substantially unimpeded, and wherein during movement of the protrusion along the slot from the first end toward the second end, the protrusion is selectively movable along the slot branches slot branches to impede movement of the protrusion along the slot toward the first end as stated in claim 2. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

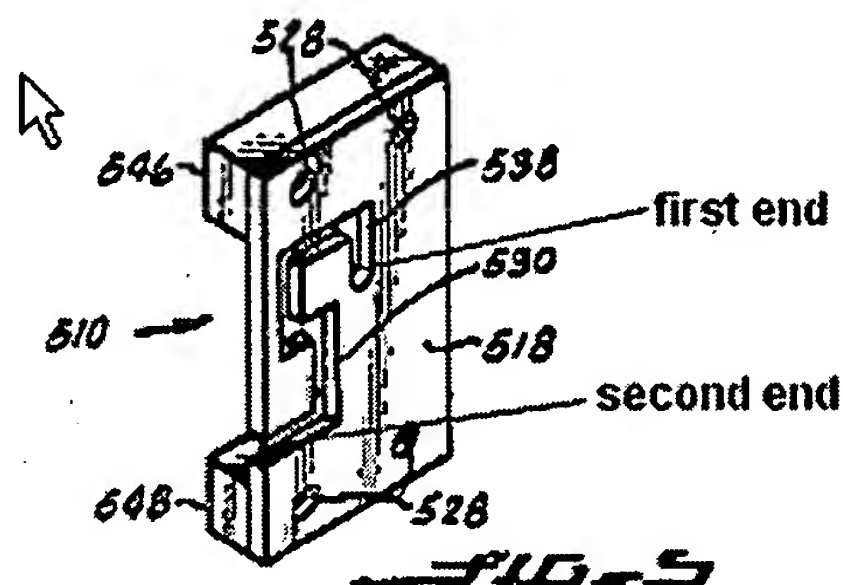
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 19-31 and 34-42 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,190,221 to Updike.

With respect to claim 1: Updike discloses a hanger for supporting a device, the

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hanger comprising a housing having a face positioned substantially vertically; and a nonlinear slot cut into the face, the slot having a first end and a second end, the first end being closed and the second end being opened (see figure below).



With respect to claim 2: Based upon the Applicant's figures, Updike's discloses a hanger, wherein the hanger includes a protrusion movable along the slot, wherein movement of the protrusion along the slot from the second end toward the first end is substantially unimpeded, and wherein during movement of the protrusion along the slot from the first end toward the second end, the protrusion is selectively movable along the slot branches slot branches to impede movement of the protrusion along the slot toward the first end (see figure above).

With respect to claim 3: Updike's slot has a substantially constant width (see figure above).

With respect to claim 4: Updike's slot makes at least one change of direction of greater than 45 degrees (see figure above).

With respect to claim 5: Updike discloses a hanger for supporting a device, the hanger comprising a face lying in a substantially vertical plane positioned substantially vertically and at least partially defining a receiving area, a substantially vertical slot cut into the face, the slot having a first end and a second end, the first end being closed and the second end opening into

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the receiving area, and at least one substantially vertical slot branch extending from the slot at an acute angle and having a closed end, the at least one slot branch having a substantially constant width that is substantially the same as the width of the slot (see figure above).

With respect to claim 6: Updike discloses a device (picture frame 16) comprising a front face, the front face inherently including a display, a back face opposite the front face, the back face lying in a substantially vertical plane; and the top hanger formed on the back face, the top hanger including a substantially vertical hanger face and a nonlinear top slot forming in the hanger face, the hanger face at least partially defining a receiving area, the top slot having a substantially constant width and a first, closed end and a second, opened end, the second end opening into a top receiving area which at is least twice as wide as the top slot (see figure below). Furthermore, the recitation that an electronic device for mounting has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *See Kropa v Robie*, 88 USPQ 478 (CCPA 1951).

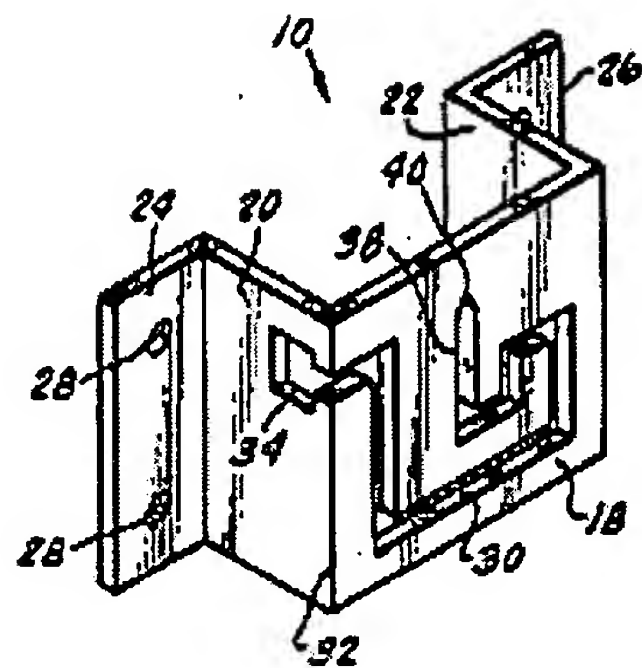


FIG. 1

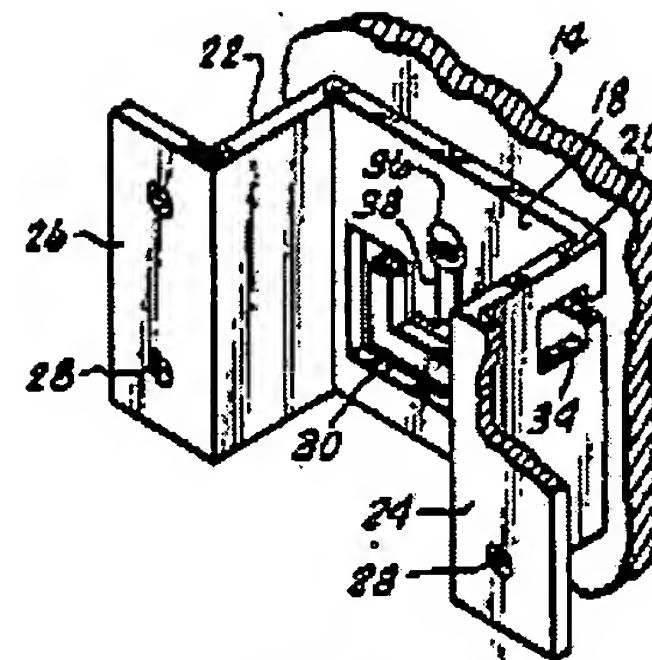


FIG. 2

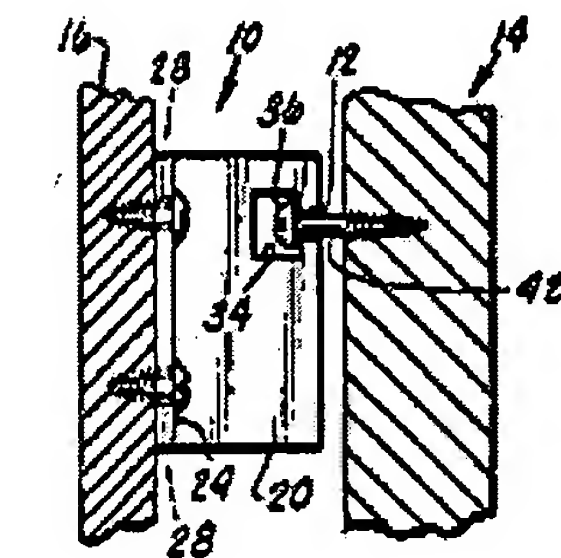


FIG. 3

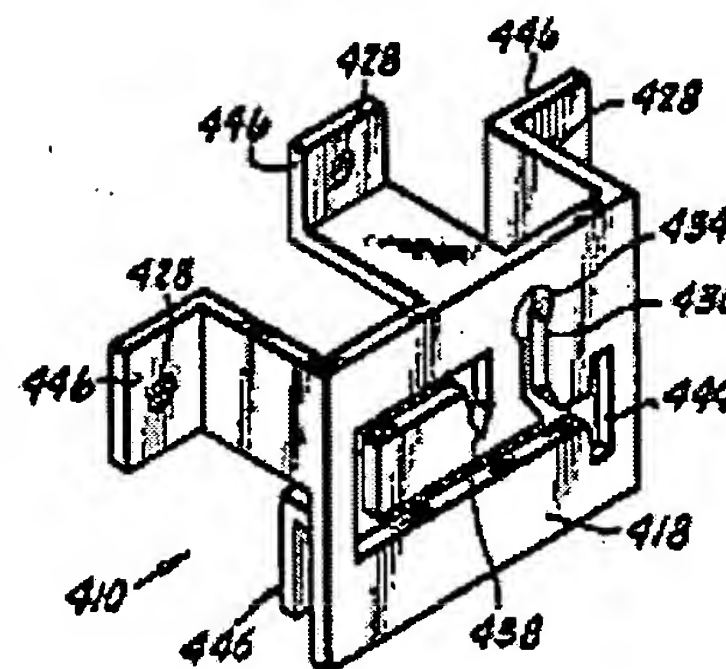


FIG. 4

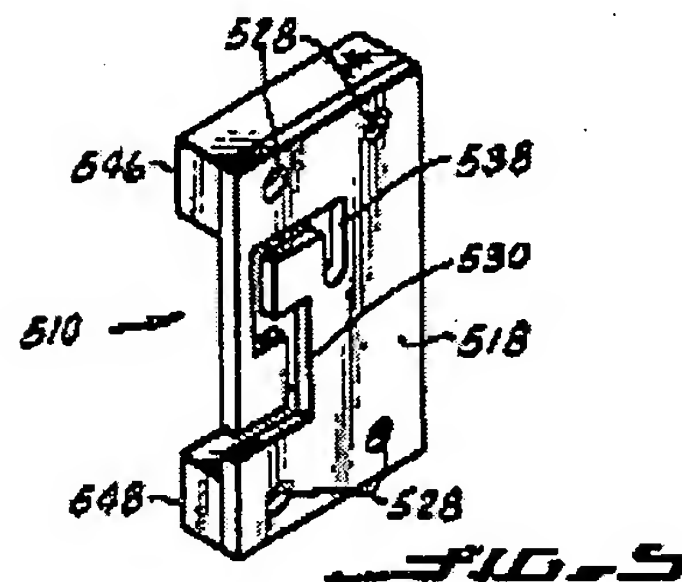


FIG. 5

With respect to claim 19: Updike discloses a hanger for supporting a device (picture frame 16) on a projection extending outwardly from a wall, the hanger comprising: a housing having a hanger face, the hanger face defining a substantially planar hanger face surface; and a nonlinear slot extending into the hanger face and lying in the planar hanger face surface and being engageable with the projection to secure the device to the wall, the slot defining an entry

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path for the projection, an exit path for the projection, and at least one locking path for the projection, the locking path being different than the exit path (see figures above).

With respect to claim 20: Updike discloses the hanger of claim 19, wherein, when the projection is located in the locking path, the device is lockingly secured to the wall (see figures above).

With respect to claim 21: Updike discloses the hanger of claim 19, wherein the hanger face defines a substantially vertical plane, and wherein the slot lies in the substantially vertical plane (see figures above).

With respect to claim 22: Updike discloses the hanger of claim 21, wherein the projection includes a head portion, and wherein, when the projection is located in the nonlinear slot, the head portion engages a back surface of the hanger face, preventing movement of the device away from the wall in a direction substantially perpendicular to the substantially vertical plane (see figures above).

With respect to claim 23: Updike discloses the hanger of claim 19, wherein the slot has substantially constant width (see figures above).

With respect to the claim 24: Updike discloses the hanger of claim 19, wherein the slot includes a first and a second end, the first end being closed and the second end opening into a receiving area, and wherein the receiving area appears to be at least twice as wide as the slot (see figures above).

With respect to claim 25: Updike discloses the hanger of claim 24, wherein the slot makes at least one change of direction of greater than 45 degrees between the first end and the second end (see figures above).

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With respect to claim 26: Updike discloses the hanger of claim 19, wherein the slot includes an opened end, a first closed end, and a second closed end, and wherein the locking path extends between the first closed end and the second closed end (see figures above).

With respect to claim 27: Updike discloses the hanger of claim 26, wherein the exit path extends between the first closed end and the opened end, and wherein the entry path extends between the opened end and the first closed end (see figures above).

With respect to claim 28: Updike discloses the hanger of claim 19, wherein the exit path includes at least one change of direction along the nonlinear slot (see figures above).

With respect to claim 29: Updike discloses the hanger of claim 28, wherein the change of direction is at least about 45 degrees (see figures above).

With respect to claim 30: Updike discloses the hanger of claim 19, wherein at least a portion of the locking path defines an acute angle with respect to at least a portion of the exit path (see figures above).

With respect to claim 31: Updike discloses the hanger of claim 1, wherein the hanger is engageable with a projection extending outwardly from a wall, and wherein the slot defines an entry path for the projection, an exit path for the projection, and at least one locking path for the projection, the locking path being different than the exit path (see figures above).

With respect to claim 34: Updike discloses the hanger of claim 31, wherein the exit path includes at least one change of direction along the nonlinear slot (see figures above).

With respect to claim 35: Updike discloses the hanger of claim 34, wherein the change of direction is at least about 45 degrees (see figures above).

With respect to claim 36: Updike discloses the hanger of claim 31, wherein at least a portion of the locking path defines an acute angle with respect to at least a portion of the exit path (see figures above).

With respect to claim 37: Updike discloses the hanger of claim 14, wherein the hanger is engageable with a projection extending outwardly from a wall, and wherein the slot defines an entry path for the projection, an exit path for the projection, and at least one locking path for the projection, the locking path being different than the exit path (see figures above).

With respect to claim 38: Updike discloses the hanger of claim 37, wherein the slot includes a first closed end and a second closed end, and wherein the locking path extends between the first closed end and the second closed end (see figures above).

With respect to claim 39: Updike discloses the hanger of claim 38, wherein the exit path extends between the first closed end and the one end, and wherein the entry path extends between the one end and the first closed end (see figures above).

With respect to claim 40: Updike discloses the hanger of claim 37, wherein the exit path includes at least one change of direction along the nonlinear slot (see figure above).

With respect to claim 41: Updike discloses the hanger of claim 40, wherein the change of direction is at least about 45 degrees (see figures above).

With respect to claim 42: Updike discloses the hanger of claim 37, wherein at least a portion of the locking path defines an acute angle with respect to at least a portion of the exit path (see figures above).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Updike.

With respect to claim 7: Updike discloses a device as stated above with regards to claim 1-6. Updike discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 7, i.e., the electronic device of claim 6, further comprising a bottom hanger coupled to the back face and spaced apart from the top hanger. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add an additional hanger to the bottom hanger, as taught by Applicant, to the back face and spaced apart from the top hanger, in order to provide a stronger security mounting system for the device. Furthermore, since the bottom hanger is identical to the top hanger, the bottom hanger will include identical elements as that of the top hanger.

With respect to claim 32: Updike discloses a device as stated above with regards to claim 1-6. Updike discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 32, i.e., wherein the slot includes a third, closed end, and wherein the locking path extends between the first, closed end and the third, closed end. Updike discloses in

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a different embodiment, Fig. 4, a slot including a third, closed end and wherein the locking path extends between the first, closed end and the third, closed end. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the third, closed end, and wherein the locking path extends between the first, closed end and the third, closed end, of Fig. 4, as taught by Updike, to the housing assembly of Fig. 1, as taught by Updike, in order to further confuse an unauthorized person attempting to remove an object attached with the hanger, as already suggested by Updike.

With respect to claim 33: With Updike's figs. 1 and 4 combined, the exit path extends between the first, closed end and the second, opened end, and wherein the entry path extends between the second, opened end and the first, closed end.

Allowable Subject Matter

8. Claims 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 14-17 allowed.

Response to Arguments

10. Applicant's arguments filed Jan. 26, 2006 have been fully considered but they are not persuasive.

Regarding argument on page 9, lines 14-19 and page 10, lines: Contrary to Applicant's

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belief, the prior art of record, i.e., Updike, does in fact disclose in another embodiment, Fig. 4, slot branches/blind branch diverging from the slot and terminating in closed ends (col. 4, lines 3-10).

Conclusion

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG
May 11, 2006



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